

111TH CONGRESS  
1ST SESSION

# H. R. 770

To amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 2009

Mrs. LOWEY introduced the following bill; which was referred to the  
Committee on Ways and Means

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## A BILL

To amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. REPEAL OF 7-YEAR RESTRICTION ON ELIGI-**  
4                       **BILITY FOR WIDOW'S AND WIDOWER'S INSUR-**  
5                       **ANCE BENEFITS BASED ON DISABILITY.**

6               (a) WIDOW'S INSURANCE BENEFITS.—

7                       (1) IN GENERAL.—Section 202(e) of the Social  
8       Security Act (42 U.S.C. 402(e)) is amended—

1 (A) in paragraph (1)(B)(ii), by striking  
2 “which began before the end of the period spec-  
3 ified in paragraph (4)”;

4 (B) in paragraph (1)(F)(ii), by striking  
5 “(I) in the period specified in paragraph (4)  
6 and (II)”;

7 (C) by striking paragraph (4) and by re-  
8 designating paragraphs (5) through (8) as  
9 paragraphs (4) through (7), respectively; and

10 (D) in paragraph (4)(A)(ii) (as redesign-  
11 ated), by striking “whichever” and all that fol-  
12 lows through “begins” and inserting “the first  
13 day of the seventeenth month before the month  
14 in which her application is filed”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 202(e)(1)(F)(i) of such Act  
17 (42 U.S.C. 402(e)(1)(F)(i)) is amended by  
18 striking “paragraph (5)” and inserting “para-  
19 graph (4)”.

20 (B) Section 202(e)(1)(C)(ii)(III) of such  
21 Act (42 U.S.C. 402(e)(2)(C)(ii)(III)) is amend-  
22 ed by striking “paragraph (8)” and inserting  
23 “paragraph (6)”.

1 (C) Section 226(e)(1)(A)(i) of such Act  
 2 (42 U.S.C. 426(e)(1)(A)(i)) is amended by  
 3 striking “202(e)(4),”.

4 (b) WIDOWER’S INSURANCE BENEFITS.—

5 (1) IN GENERAL.—Section 202(f) of such Act  
 6 (42 U.S.C. 402(f)) is amended—

7 (A) in paragraph (1)(B)(ii), by striking  
 8 “which began before the end of the period spec-  
 9 ified in paragraph (4)”;

10 (B) in paragraph (1)(F)(ii), by striking  
 11 “(I) in the period specified in paragraph (4)  
 12 and (II)”;

13 (C) by striking paragraph (4) and by re-  
 14 designating paragraphs (5) through (8) as  
 15 paragraphs (4) through (7), respectively; and

16 (D) in paragraph (4)(A)(ii) (as redesign-  
 17 ated), by striking “whichever” and all that fol-  
 18 lows through “begins” and inserting “the first  
 19 day of the seventeenth month before the month  
 20 in which his application is filed”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Section 202(f)(1)(F)(i) of such Act (42  
 23 U.S.C. 402(f)(1)(F)(i)) is amended by striking  
 24 “paragraph (5)” and inserting “paragraph  
 25 (4)”.

1           (B) Section 202(f)(1)(C)(ii)(III) of such  
2           Act (42 U.S.C. 402(f)(2)(C)(ii)(III)) is amend-  
3           ed by striking “paragraph (8)” and inserting  
4           “paragraph (6)”.

5           (C) Section 226(e)(1)(A)(i) of such Act (as  
6           amended by subsection (a)(2)) is further  
7           amended by striking “202(f)(1)(B)(ii), and  
8           202(f)(4)” and inserting “and  
9           202(f)(1)(B)(ii)”.

10       (c) EFFECTIVE DATE.—The amendments made by  
11       this section shall apply with respect to benefits for months  
12       after December 2009 for which applications are filed or  
13       pending on or after January 1, 2010.

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